

FILED

JAN 14 2008

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

 CLERK

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ANDREA HAUTALA and STEVEN
HAUTALA,

Plaintiffs,

-vs-

PROGRESSIVE DIRECT INSURANCE
COMPANY,

Defendant.

Civ. 08- 5007

NOTICE OF REMOVAL

* * * * *

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, WESTERN DIVISION; THE CLERK OF THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, MEADE COUNTY, SOUTH DAKOTA; AND THE PLAINTIFFS
NAMED ABOVE AND THEIR ATTORNEY:

The defendant respectfully notices the Court and the
parties as follows:

1. The defendant exercises its rights under 28 USC §§
1441 and 1446, as amended, to remove this action from the Circuit
Court, Fourth Judicial Circuit, Meade County, South Dakota, in
which the action is now pending.

2. This is a civil action of which the Court has
original jurisdiction under 28 USC § 1332 and which may be
removed to this Court by the defendant pursuant to 28 USC § 1441
in that the plaintiffs have alleged a claim that is recognized
under diversity jurisdiction, and the United States District
Court has jurisdiction in that the amount in controversy does
exceed the sum of \$75,000.00.

3. At the time of the commencement of this action, the plaintiffs were and now are citizens or residents of the State of South Dakota.

4. At the time of the commencement of this action, the defendant was and is now a citizen or resident of the State of Ohio.

5. Service of the Summons and Complaint was made upon Progressive on or about December 20, 2007, in the City of Pierre, South Dakota. This Notice of Removal is filed less than thirty (30) days following the receipt by the defendant, through service or otherwise, of the initial pleadings setting forth the claims for relief upon which the plaintiffs' action is based.

6. Upon the filing of this Notice of Removal, a copy shall be filed with the clerk of the Circuit Court, Fourth Judicial Circuit, Meade County, South Dakota, and served upon the opposing parties or their counsel as provided by law.

7. Attached to this Notice is a copy of all process, pleadings, and orders served upon the defendant in this action.

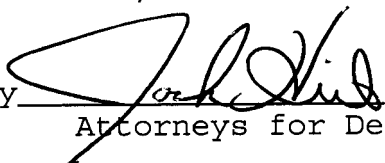
8. The defendant does not waive any defense of any kind that it may have in this action as all such defenses are being specifically reserved.

9. This Court has jurisdiction to consider this Notice pursuant to 28 USC § 1446 and, therefore, upon the filing of this Notice of Removal and service of copies of the same upon

counsel for the plaintiffs and the clerk of the Circuit Court, Fourth Judicial Circuit, Meade County, South Dakota, this action is removed to the above-captioned United States District Court, pursuant to law.

Dated at Aberdeen, South Dakota, this 11th day of January, 2008.

RICHARDSON, WYLY, WISE, SAUCK
& HIEB, LLP

By  _____
Attorneys for Defendant

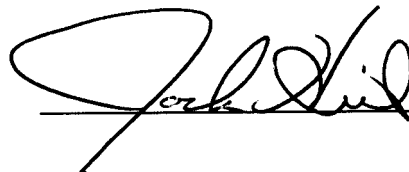
One Court Street
Post Office Box 1030
Aberdeen, SD 57402-1030
Telephone No. 605-225-6310

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for defendant, hereby certifies that on the 11th day of January, 2008, a true and correct copy of **NOTICE OF REMOVAL** was mailed by first-class mail to:

Mr. Robin L. Zephier
Attorney at Law
2020 West Omaha
Rapid City, SD 57709

Lane Keil
Meade County Clerk of Courts
Post Office Box 939
Sturgis, SD 57785

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